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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,022	03/10/2004	Tatsutoshi Kitajima	250129US2	2125
22850 7590 11/17/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER NGUYEN, LUONG TRUNG				
ART UNIT 2622		PAPER NUMBER		
NOTIFICATION DATE 11/17/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/796,022

Applicant(s)

KITAJIMA, TATSUTOSHI

Examiner

LUONG T. NGUYEN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/21/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-10 filed on 7/21/2008 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima (US 7,176,962) in view of Levien (US 5,524,162).

Regarding claim 1, Ejima discloses a digital camera (digital camera 1, figures 1-3) having an image forming device configured to image a subject by a setup exposure condition and a

digital image processing device configured to convert imaging data from the image forming device into a digital image, the digital camera comprising:

a set up device configured to set up a plurality of exposure conditions (capturing images 1, 2 at different shutter speeds (exposure conditions) at step S405, S409, figure 11, column 15, line 47 – column 16, line 45),

an imaging data obtaining device configured to obtain a plurality of imaging data imaged in accordance with the plurality of exposure conditions set by the setup device (capturing images 1, 2 at different shutter speeds (exposure conditions) at step S405, S409, figure 11, column 15, line 47 – column 16, line 45), and

a sharpness comparison device configured to compare sharpness based on the plurality of imaging data obtained by the imaging data obtaining device (compare the spatial frequency components, column 16, lines 20-33; column 22, lines 17 – 30).

Ejima fails to specifically a sharpness comparison device configured disclose to determine whether a difference in sharpness of the plurality of imaging data indicates a shake of a digital camera or a movement of a subject based on the compared sharpness. However, Levien discloses that uneven sharpness (i.e., a difference in sharpness) can result from motion blur where a moving object has a difference in sharpness (column 1, lines 40-45), which corresponds to limitation "a movement of the subject based on the compared sharpness). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ejima by the teaching of Levien in order to provide a camera which has the capability of detecting motion of a subject based on a difference in sharpness.

Noted that claim 1 uses the alternative limitation "or" in limitation "to determine whether a difference in sharpness of the plurality of imaging data indicates a shake of a digital camera or a movement of a subject based on the compared sharpness." Therefore, the prior art can read on limitation "a movement of a subject based on the compared sharpness," or limitation "a difference in sharpness of the plurality of imaging data indicates a shake of a digital camera."

Regarding claim 6, Ejima discloses the digital camera further comprising:

a display device configured to display an image processed by the digital image processing device (LCD 8, figure 2-3, column 5, lines 15-20; column 6, lines 1-5),

wherein a display time to the display device is made constant regardless of an exposure time in the image forming device (since the LCD 8 displays image data reproduced from memory card 25, the display time of image data on LCD 8 is not effected by exposure time in CCD 20, figure 3).

5. Claims 2, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima (US 7,176,962) in view of Levien (US 5,524,162) further in view of Satoh et al. (US 5,708,863).

Regarding claim 2, Ejima and Levien fail to specifically disclose a handshake preventing exposure output device configured to output an exposure time for preventing a blur in an image caused by a shake of the digital camera based on a focal length of a photographic lens

in the image forming device, wherein an existence of the camera shake is determined based on the exposure time output by the handshake preventing exposure time output device.

However, Satoh et al. teaches an image blur prevention device for a camera, which teaches the shake determining section 4 determines the current image blur state on the image plane on the basis of photographing focal length (figure 1, column 4, lines 5-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ejima and Levien by the teaching of Satoh et al. in order to provide an image blur prevention device for a camera, which reduces the influence of camera shakes on photographing operation and exhibits good operability without posing problems when a release time lag occurs (column 1, lines 63-67).

Regarding claim 7, Ejima discloses the digital camera further comprising:

a display device configured to display an image processed by the digital image processing device (LCD 8, figure 2-3, column 5, lines 15-20; column 6, lines 1-5),

wherein a display time to the display device is made constant regardless of an exposure time in the image forming device (since the LCD 8 displays image data reproduced from memory card 25, the display time of image data on LCD 8 is not effected by exposure time in CCD 20, figure 3).

6. Claims 3, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima (US 7,176,962) in view of Levien (US 5,524,162) and Satoh et al. (US 5,708,863) further in view of Ohishi et al. (US 5,713,049).

Regarding claim 3, Ejima, Levien and Satoh et al. fail to specifically disclose a warning device configured to warn of the shake of the digital camera when the existence of the shake of the digital camera is determined. However, Ohishi et al. teaches LCD 3 for displaying information such as camera-shake amount (figure 1, column 4, lines 40-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ejima, Levien and Satoh et al. by the teaching of Ohishi et al. in order to provide a camera-shake display device for a camera. This camera-shake display device informs various information on the camera-shake to a user of a camera (column 1, lines 34-35).

Regarding claim 8, Ejima discloses the digital camera further comprising:

a display device configured to display an image processed by the digital image processing device (LCD 8, figure 2-3, column 5, lines 15-20; column 6, lines 1-5),

wherein a display time to the display device is made constant regardless of an exposure time in the image forming device (since the LCD 8 displays image data reproduced from memory card 25, the display time of image data on LCD 8 is not effected by exposure time in CCD 20, figure 3).

7. Claims 4, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima (US 7,176,962) in view of Levien (US 5,524,162) and Satoh et al. (US 5,708,863) further in view of Yoshihara et al. (US 5,172,233).

Regarding claim 4, Ejima discloses a strobe is flashed in accordance with shortening the predetermined exposure time (figure 3, column 6, line 65 – column 7, line 3).

Ejima, Levien and Satoh et al. fail to specifically wherein when the existence of a shake of the digital camera is determined, a predetermined exposure time while recording a still image is shortened. However, Yoshihara et al. discloses a still electronic camera, in which in order to prevent blurring of photograph due to camera shaking, the exposure time is shortened to such a degree that camera shaking is regarded as negligible (column 1, lines 23 – 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ejima, Levien and Satoh et al. by the teaching of Yoshihara et al. in order to obtain a clear photograph with high resolution (column 1, lines 23-25).

Regarding claim 9, Ejima discloses the digital camera further comprising:

a display device configured to display an image processed by the digital image processing device (LCD 8, figure 2-3, column 5, lines 15-20; column 6, lines 1-5),

wherein a display time to the display device is made constant regardless of an exposure time in the image forming device (since the LCD 8 displays image data reproduced from memory card 25, the display time of image data on LCD 8 is not effected by exposure time in CCD 20, figure 3).

8. Claims 5, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima (US 7,176,962) in view of Levien (US 5,524,162) and Satoh et al. (US 5,708,863) further in view of Imada (US 2004/0090532).

Regarding claim 5, Ejima, Levien and Satoh et al. fail to specifically wherein when a movement of the subject is determined to exist, a sensitivity for increasing the output of the imaging data while recording a still image is increased. However, Imada teaches that when it is desired to reduce affects from image blur by increasing the shutter speed, the image-taking sensitivity is set to be higher in accordance with the shutter speed increase (page 1, [005], [0012]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ejima, Levien and Satoh et al. by the teaching of Imada in order to reduce the affects from image blur (page 1, [005]).

Regarding claim 10, Ejima discloses the digital camera further comprising:

a display device configured to display an image processed by the digital image processing device (LCD 8, figure 2-3, column 5, lines 15-20; column 6, lines 1-5),

wherein a display time to the display device is made constant regardless of an exposure time in the image forming device (since the LCD 8 displays image data reproduced from memory card 25, the display time of image data on LCD 8 is not effected by exposure time in CCD 20, figure 3).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LTN
11/09/08

/LUONG T NGUYEN/
Examiner, Art Unit 2622